

# SENATE . . . . . No. 1090

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Brian A. Joyce**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the retirement options of certain educational personnel.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Brian A. Joyce	Norfolk, Bristol and Plymouth
Christine E. Canavan	10th Plymouth
Joyce A. Spiliotis	12th Essex
Bill Bowles	2nd Bristol
John P. Fresolo	16th Worcester
Barbara A. L'Italien	18th Essex
William M. Straus	10th Bristol
Louis L. Kafka	8th Norfolk
James Dwyer	30th Middlesex
Cleon H. Turner	1st Barnstable
John D. Keenan	7th Essex
Bruce E. Tarr	First Essex and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S01524 OF 2007-2008.]

## **The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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### **AN ACT RELATIVE TO THE RETIREMENT OPTIONS OF CERTAIN EDUCATIONAL PERSONNEL.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority  
of the same, as follows:*

1           SECTION 1. Paragraph (i) of subdivision (4) of section 5 of chapter 32 of the General Laws, as  
2     appearing in the 2006 Official Edition, is hereby amended by striking out the sixth sentence and inserting  
3     the following sentence:

4     A member of a contributory retirement system other than the teachers' retirement system or a teacher in  
5     the State-Boston retirement system, who transfers into the teachers' retirement system or transfers into the  
6     State-Boston retirement system as a teacher may elect to participate in the alternative superannuation  
7     retirement benefit program but that election shall occur within 180 days after establishing membership in  
8     the teachers' retirement system or the State-Boston retirement system.

9           SECTION 2. Paragraph (ii) of said subdivision (4) of said section 5 of said chapter 32, as so  
10    appearing, is hereby amended by striking out the second sentence and inserting in place thereof the  
11    following sentence:-

Such member shall have served for not less than 20 years as a teacher in order to be eligible to receive the benefit provided under this subdivision but years of membership service in a contributory retirement system while employed in a public day school in the commonwealth or an education collaborative under section 4E of chapter 40, as a school nurse, school social worker, early childhood teacher, speech, occupational or physical therapist or school business administrator shall be considered years as a teacher for the purposes of this section.

SECTION 3. A school nurse, school social worker, early childhood, speech, occupational or physical therapist, or school business administrator, who on or before July 1, 2001 was eligible to elect to participate in the alternative superannuation retirement benefit program or who transferred from a contributory retirement system to the teachers' retirement system or the State-Boston retirement system as a teacher under paragraph (i) of subdivision (4) of section 5 of chapter 32 of the General Laws, may elect to do so within 180 days of the effective date of this act on such form as the state teachers' retirement board or the State-Boston retirement board shall prescribe; provided that said member shall make retirement contributions to the system, prior to retirement, as if said member had elected into said program on or before July 1, 2001, plus interest. The interest shall be calculated by using one half of the actuarially assumed investment rate of return of the teachers' retirement system or the State-Boston retirement system. The election to participate in the alternative superannuation retirement benefit program shall be irrevocable and shall be subject to said subdivision (4) of section 5 of said chapter 32.

The election provided in this section shall also apply to any retired or other inactive member of the teachers' retirement system or of the State-Boston retirement system who (a) was a member in service on or before July 1, 2001 or transferred from a contributory retirement system to the teachers' retirement system or the State-Boston retirement system after that date, (b) was eligible to elect to participate in the alternative superannuation retirement benefit program, and (c) notified, in writing, the school district payroll, business, or other administrative officer of an intention to elect to participate in the alternative superannuation retirement benefit program established pursuant to paragraph (i) of subdivision (4) of

37 section 5 of chapter 32. The new benefit provided through such election shall be actuarially reduced, if  
38 necessary, to meet the plan qualification requirements of the Internal Revenue Code (IRC), as provided in  
39 paragraph (i) of subdivision (4) of section 5 of Chapter 32.